

**COMMISSIONERS' MINUTES
KITTTITAS COUNTY, WASHINGTON
PUBLIC HEARING**

THURSDAY

10:00 A.M.

NOVEMBER 30, 2006

Board members present: Chairman David Bowen; Vice-Chairman Alan Crankovich. Absent: Commissioner Perry Huston.

Others: Mandy Robinson, Deputy Clerk of the Board; Darryl Piercy, Community Development Services Director; Noah Goodrich, Staff Planner; James T. Denison, Attorney representing the Applicant & one member of the public.

APPEAL HEARING

DONALD SORENSON BLA APPEAL

CDS

At 10:00 a.m. Chairman Bowen opened a public hearing to consider an appeal from James T. Denison on behalf of Donald Sorenson (landowner) of an administrative decision of the Community Development Services Department denial of a request for parcel segregation and boundary line adjustment (BLA-06-109) of Tax Parcel Number 17-18-04030-0035. He explained that Commissioner Huston was out of town at an RSN meeting and was unable to be present for the hearing. He reviewed the hearing procedures.

DARRYL PIERCY & NOAH GOODRICH were sworn in by **CHAIRMAN BOWEN**.

DARRYL PIERCY, DIRECTOR OF COMMUNITY DEVELOPMENT SERVICES requested to add an e-mail from James Hurson to Joanna Valencia dated August 30, 2011 (printed September 11, 2006). He requested that it be identified as Index #15.

NOAH GOODRICH, STAFF PLANNER reviewed a staff report. He explained that Chuck Cruse of Cruse and Associates, authorized agent for Donald Sorenson, landowner has applied for an administrative segregation and boundary line adjustment by means of intervening ownership across Manastash Creek which is within both the Ag-20 and Ag-3 zoning districts. He explained that approval of the Segregation would create an additional 0.1 acre lot on the north side of Manastash Creek and that the subject property is currently 0.67 acres in size. Noting the property is located southwest of Barnes Road and south of Hansen Road, Ellensburg WA 98926, a portion of the SE ¼ and SW ¼, sections 4&5, T.17N., R.18E., W.M., Kittitas County, Washington, Tax Parcel Number 17-18-04030-0035. He indicated that it has recently been determined by the Board of County Commissioners that, in order for the County to allow landowners to claim

intervening ownership, landowners must provide fee simple ownership that "intervenes" or dissects their property (i.e. county and state roads). He referenced a letter of denial sent by staff dated September 26, 2006, that features lakes, rivers and streams which do not apply and furthermore, a policy clarification dated August 1, 2005 (Index#15) from Darryl Piercy states the following policy: "Shoreline stream do not constitute intervening ownership and shall not be applied as such". **DARRYL PIERCY** clarified intervening ownership and how it's applied. **ATTORNEY JAMES DENISON** cross-examined Mr. Piercy. He questioned when the first study session was that took place, who was there and whether or not it was of public knowledge that his clients intervening ownership would be being discussed. He also questioned where he can find the requirements for intervening ownership on CDS's website. **MR. PIERCY** indicated that there are no specific requirements and that they also have concern about that not being in code. He indicated that intervening ownership requires a fee simple ownership. **MR. DENISON** questioned if there are no written requirement, where would the public find that information.

SHANE JUMP AND JAMES DENISON were sworn in by **CHAIRMAN BOWEN**.

MR. JAMES DENISON, ATTORNEY REPRESENTING THE APPLICANT indicated that he had previously submitted everything to the Board that he wanted them to review and have access to on behalf of his client, therefore he was not going to reiterate it all. He indicated that he did want to point out factual testimony. He explained that he had done research on partial segregations along Manastash Creek and submitted that prior to the hearing. He reviewed the memo and stated that in his research all the partial segregations that occurred along Manastash Creek specifically, the most recent was right next to his client's property. He submitted documentation signed by Mr. Sorenson for the record, He explained to the Board that the documentation he submitted was to confirm that Mr. Sorenson does in fact know who he is and what was being done on his behalf. **MR. DENISON** explained that he was informed Mr. Sorenson had been into the Commissioners Office stating his confusion of what the notices were he had received and that he had no idea who Mr. Denison was. He noted that this was just to clear that confusion up so everyone is clear and is aware of what is going on.

CHAIRMAN BOWEN asked for testimony from the proponent. There was no one in attendance requesting to testify.

CHAIRMAN BOWEN asked for testimony from interested parties. There was no one in attendance requesting to testify.

MR. PIERCY presented closing arguments. He stressed that the department acted appropriately well, recognizing segregations

adjacent that have been done in the past. He referenced other segregations that were in the area, but were different due to natural features that are specific to parcels. He noted that he stands by the denial.

COMMISSIONER BOWEN referenced the Gardner segregation and questioned the difference of the Sorenson segregation and it. **COMMISSIONER CRANKOVICH** questioned Mr. Denison's references to other segregations. He explained that in his materials he referenced multiple segregations however, it is his understanding that the Tollman segregation is on the Nanum Creek. **MR. DENISON** concurred and apologized for his sweeping statements if it caused any confusion.

MR. DENISON presented closing arguments. He indicated that he would encourage the Board to follow the direction that is in the submitted documents. He expressed his understanding and noted that staff's error does not give an automatic right, but that the appeal is an issue of consistency and the fact that it is the one application that is held up. He felt the code is efficient but that it needs to be expanded upon so that the applicant doesn't face this problem every time where they pay the application fee and then they have to hire a lawyer. He stated that he is asking that the Board continue with the current County process and approve the segregation and then begin making code provisions after this is finalized. **SHANE JUMP, ON BEHALF OF THE APPLICANT** expressed his concerns regarding property setbacks. He felt that there were a lot of comparisons taking place with Mr. Sorenson's property and surrounding properties however they are not equal comparisons. He felt changes needed to be made in a public setting and stressed his willingness to take place in the process. He stated that all contractors try to keep an eye on what's going on in the land development world and in the County and with a topic like this, if had been advertised adequately it would have thrown red flags up.

COMMISSIONER BOWEN questioned what the Board would like to do at this point, whether they were ready to make a decision or if they needed additional time. **COMMISSIONER CRANKOVICH** indicated that he would like more time to consider the materials in the Sorenson Appeal file. **COMMISSIONER BOWEN** indicated that he too could use additional time.

COMMISSIONER BOWEN moved to continue the hearing to Thursday December 7, 2006 at 1:30 p.m. in the Commissioners Auditorium, Room 109, County Courthouse. **COMMISSIONER CRANKOVICH** seconded. The Board thanked both parties for allowing additional time to review the record. **DARRYL PIERCY** encouraged the Board to note for the record that they have not requested additional information from either party and that the continuance is only to allow more deliberation time on the record before them. Motion carried 2-0.

Meeting adjourned at 10:42 a.m.

DEPUTY CLERK OF THE BOARD

Mandy Robinson

Mandy Robinson

KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

David Bowen, Chairman

COMPLETED